

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**KEITH MILLER, individually and  
on behalf of all other similarly  
situated individuals,**

**Plaintiff,**

**v.**

**FLEETCOR TECHNOLOGIES  
OPERATING COMPANY, LLC,**

**Defendant.**

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**CIVIL ACTION NO. 1:13-cv-  
2403-SCJ**

**DEFENDANT’S MOTION FOR DECERTIFICATION**

Defendant FleetCor Technologies Operating Company, LLC (“FleetCor”) moves this Court for an order decertifying the conditionally-certified collective action. In support of this motion, FleetCor states as follows:

1.

Plaintiff Keith Miller brings this conditionally-certified collective action on behalf of himself and 78 opt-in Plaintiffs to adjudicate their alleged unpaid overtime claims under the FLSA in a single proceeding.

2.

As set forth more fully in FleetCor’s supporting memorandum, this action must be decertified because (1) the factual and employment settings of Plaintiffs

are significantly different; (2) there are numerous and varied defenses that are fact-based and individual to each Plaintiff; and (3) any collective action would be inherently unfair and unjust. *Anderson v. Cagle's, Inc.*, 488 F.3d 945, 953 (11th Cir. 2007). Numerous individualized inquiries permeate Plaintiffs' claims and FleetCor's defenses to such claims, which inquiries preclude liability and damages from being determined on a class-wide basis. If maintained as a collective action, this case will inevitably degenerate into an unmanageable multitude of mini-trials over each Plaintiff's particular claim, which is the antithesis of a collective action.

3.

FleetCor submits the following evidence in support of this motion:

Exhibit 1 – Declaration of Paul Citarella;

Exhibit 2 – Declaration of Kimberley Coleman;

Exhibit 3 – Declaration of Lester Rivera;

Exhibit 4 – Relevant excerpts from Paul Citarella's deposition;

Exhibit 5 – Relevant excerpts from Keith Miller's deposition;

Exhibit 6 – Relevant excerpts from Tisha Green's deposition;

Exhibit 7 – Select Plaintiffs' Interrogatory responses; and

Exhibit 8 – CM/ECF Bankruptcy Docket Printouts.

Citations to the depositions will be by the name of deponent and the page or exhibit number (*e.g.*, “Miller \_\_\_\_\_” or “Miller Exh. \_\_\_\_\_”). Citations to the declarations will be by the witness’s name and paragraph number (*e.g.*, “Citarella Decl. ¶ \_\_\_\_\_”). Finally, citations to the Interrogatory responses will be by the in globo exhibit and page number (*e.g.*, “Exh. 8, p. \_\_\_\_”).

WHEREFORE, defendant FleetCor Technologies Operating Company, LLC respectfully prays that this motion be granted and the conditionally-certified collective action be decertified.

Respectfully submitted this 15th day of December, 2014.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2014, I electronically filed the foregoing Defendant's Motion for Decertification with the Clerk of Court using the CM/ECF system, which will send electronic notice to the following counsel of record:

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